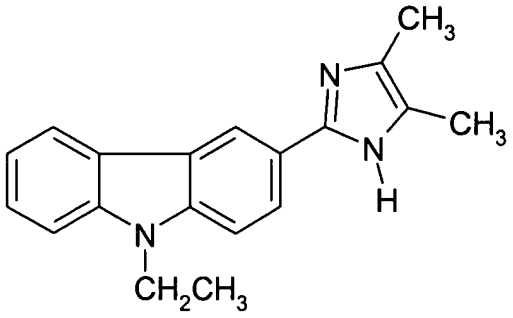
Remarks

Claims 1-10 are pending in the application. In response to a restriction requirement, Applicant elects Claims 1-6 (Group I) which are drawn to compounds and compositions. In response to Examiner's request for an elected species, Applicant provisionally elects the compound of Example 4A which has the following structure and can be found on pages 38-39 of the specification.



3-(4,5-dimethyl-1H-imidazol-2-yl)-9-ethyl-9H-carbazole (4A)

Compound (4A) is represented by a compound of Formula IA, where R^1 is C_2 alkyl (i.e., ethyl), R^2 and R^3 are both C_1 alkyl (i.e., methyl).

Claims 7-9 (Group II) which are drawn to methods of use have been withdrawn by the Examiner. However, as pointed out by Examiner, even though the method of use claims may be independent and distinct, these claims are subject to rejoinder when the compounds of Claims 1 through 6 are found allowable. (see, MPEP 821.04).

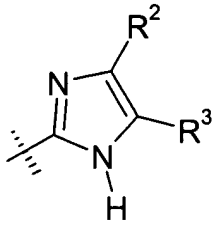
Claim 10 (Group III) has been cancelled as being a claim format (Swiss-type claim) that is not recognized by the USPTO.

§103 Rejections

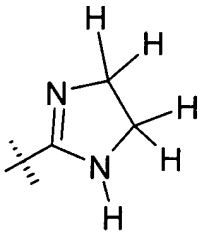
I. Claims 1-6 were rejected under 35 USC §103(a) as being unpatentable over Harfenist, et al, "Selective Inhibitors of Monoamine Oxidase. 3. Structure Activity Relationship of Tricyclics Bearing Imidazoline, Oxadiazole, or Tetrazole Groups, J Med Chem, 39(9), 1857-63 (1996).

Applicant respectfully requests reconsideration of this rejection based on the following arguments. Examiner incorrectly states that Applicant's compounds of Formula (IA) are saturated between R^1 and R^3. Applicant is assuming that

Examiner is referring to the imidazole group. First, the bond is between the ring carbons attached to the R^2 and R^3 substituents and, second, the bond is "unsaturated" not saturated. More importantly, the imidazole group is aromatic. Examiner goes on to state that Harfenist teaches 9H-carbozole, 2-(4,5-dihydro-1H-imidazole-2-yl). Again, Examiner has confused a saturated bond with an unsaturated bond. It is important to note that the 4,5-dihydro-1H-imidazole taught by Harfenist is non-aromatic because of the saturated bond ($-CH_2-CH_2-$).



unsaturated
(aromatic)



saturated
(Non-aromatic)

It is well known in the art that aromatic and non-aromatic entities have entirely different properties. Examiner states that alkenes can be reduced by different processes, such as catalytic hydrgenation to give saturated bonds. This has no bearing on the instant invention, since Applicant's compound is aromatic. One could not possibly produce an aromatic imidazole by hydrogenating a 4,5-dihydro-1H-imidazole group. In addition, there is no suggestion or teachings in Harfenist to de-hydrogenate a 4,5-dihydro-1H-imidazole derivative to produce an imidazole derivative (e.g., the compounds of the present invention).

More importantly, Examiner states that the motivation to make the claimed compounds is derived from the expectation that structurally similar compounds are generally expected to have similar properties and have similar utilities. First, aromatic and non-aromatic entities do not have similar properties. Second, Harfenist's compounds are inhibitors of monoamine oxidate A; whereas, Applicant's compounds are antagonists of the NPY-5 receptor. These are two totally different receptors which give rise to different utilities. Clearly, Harfenist does not provide any teachings or suggestions for modifying the compounds disclosed therein to make compounds of the present invention which bind to and

antagonize the NPY-5 receptor. Consequently, Applicant respectfully submits that the §103 rejection is without merit and must be withdrawn.

In conclusion, Applicant respectfully submits that the rejection raised in the office action has been addressed and requests a timely notice of allowance of Claims 1-6 and rejoinder of Claims 7-9.

Respectfully Submitted:

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